

issue his proclamations; read second time, and, on motion of Mr. Gage, referred to the same committee.

A bill for the relief of Reuben Fisher and John Fisher; on motion of Mr. Hill, laid on the table.

A bill for the relief of Joab H. Harrell, Sheriff of Williamson county; on motion of Mr. Guinn, laid on the table.

On motion of Mr. Lott, the Senate adjourned until to-morrow morning at 9 o'clock.

TUESDAY, Dec. 13, 1853.

The Senate was called to order pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Pedigo presented the petition of the chiefs of the tribe of Alabama Indians and sundry citizens of Polk county, asking relief for said tribe of Indians; referred to the committee on Indian Affairs.

Mr. Keenan presented the petition of James Rust for land; also the petition of John Stubblefield for land; each referred to the committee on Private Land Claims.

Mr. Martin presented the petition of sundry citizens of Hill county, asking the passage of a law legalizing the acts of W. B. M. Nicholson, as District Clerk of said county; referred to the committee on the Judiciary.

Mr. Potter, chairman of the committee on the Judiciary to whom was referred a bill to prescribe the manner in which the Governor shall issue his proclamations, reported the same back to the Senate and recommended its passage.

Mr. Potter, of said committee, reported back to the Senate a bill to incorporate Mound Prairie Institute, and recommended its passage with the following amendments:

SEC. 6 That no person shall be allowed to vend any ardent spirits within one mile of said institute, under the penalty of one hundred dollars for each and every such offence. Strike out section 9.

Mr. Potter, of said committee, also reported back to the Senate a bill to incorporate the Texas Association of Dental Surgeons, and recommended its passage with the following amendment:

Amend section 1, by inserting after the word "whatever," "not, however, to exceed in value the sum of fifty thousand dollars."

not be safely embarked in their construction. These objectors forget that the construction of railroads invariably brings into the country a tide of emigrants, and increases the productions of the country to a wonderful extent. They create the productions and commerce necessary to sustain them wherever they are constructed. Such has been the experience of all the older States of the Union ; such has uniformly been the experience even of those States whose wealth and commerce had begun to decline, and population to decrease. If the commerce and wealth of the older States, which have already begun to exhibit signs of decay, are not only renovated, but made far more prosperous than in former days, and the increase of their population greatly accelerated by the construction of railroads, what may we not anticipate for young and vigorous Texas, with her genial climate and fertile and maiden soil, to which millions are now looking as a home? Perhaps no opinion has less foundation in truth than the supposition that a railroad cannot be made profitable when built through a fertile region of country, with only a sparse population. The road brings with it the population, and the population create the products necessary for its support and maintenance. Suppose the State possessed the power to construct a large navigable river, from east to west, through its entire length, and a half dozen navigable streams emptying into the bays of our coast, and reaching far into the interior of the country, would any one doubt for a moment the influence of such streams in adding to the wealth and population of the State? At the present day railroads are found to possess a decided advantage over navigable streams, both as regards economy and safety in travel, and in the transportation of products to market. Railroads are now in operation upon the banks of the Hudson, and will shortly rival the great father of waters in bearing to a profitable market the products of the great valley of the Mississippi.

In justice to her citizens, can Texas indifferently view this great contest for commercial and agricultural supremacy, while all the rest of the world are struggling so hard to gain the desired boon? Will she observe a cold and selfish policy towards railroad enterprises, while most of the other States are lavishing their credit and means in aiding such enterprises? Shall the citizens of Texas be doomed to the eternal disappointment arising from the want of the facilities for transporting their products to market, caused by the want of that aid and fostering care on the part of their own government which other States bestow upon their citizens? Shall we be subjected to the continued mortification of seeing the wealth and prosperity of the people of other

States, stimulated by the liberal policy of their governments in the construction of railroads, rising like pyramids, while ours are left to languish for the want of a like liberal policy? The mortification is so much the greater because many of those States have been stunted by nature in climate and soil, whilst upon ours she has bestowed her richest bounties? But why ask these questions? We feel assured that the government of Texas, so far as it possesses the constitutional power, will not prove less liberal than other States in aiding the construction of railroads. Its credit cannot constitutionally be extended, nor is it invoked; yet the State is not without the means and ability to render great and efficient pecuniary aid in the construction of railroads. By an act which has already passed the Senate, \$2,500,000 have been appropriated and set apart as a school fund, the interest of which is only to be used for school purposes. It follows that an investment of the fund becomes necessary, or the interest must cease. The act makes it the duty of the Legislature to invest, recall and re-invest this fund at pleasure. At the present time this fund is safely invested in United States bonds, bearing five per cent. interest, and having about eleven years to run. But looking forward to the end of that period, there is no probability that the fund could again be re-invested in stocks of the United States Government. Thus, at the end of eleven years, the whole fund would be paid into the treasury, and it would require an immediate investment of the whole amount, or it would lie idle in the treasury without drawing interest. Your committee entertain no doubt that the fund at that time might be securely invested by a loan to the railroad companies of other States; but as Texans, they would protest against the policy of lending at a low rate of interest her school fund to aid in the construction of railroads in other States, while our own railroads are permitted to languish for want of that very aid.

Your committee regard the policy of those who insist that the United States bonds should remain in the treasury until paid, as highly objectionable. The school system established by the Senate's bill is predicated upon the accruing interest of that fund; and if at the time of the maturity of the bonds the whole amount could not be loaned to railroad companies in the State, (and there is likely to be no other interest to which it could be safely loaned,) your committee fear the whole school system would be thrown into disorder and confusion for the want of the accruing interest upon the fund, or that the Legislature of the State would be forced to seek temporary and unsafe investments with speculators and jobbers, as they feel assured that a proper jealousy of

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report :

REPORT.

To the Hon. M. D. K. TAYLOR,

President of the Senate:

SIR: The committee on Internal Improvements, to whom was referred the bill entitled an act to invest three millions of dollars and encourage internal improvements, have had the same under consideration, and I am instructed by a majority of the committee to report the accompanying bill as a substitute, and to recommend its passage.

The bill, which your committee have the honor to report, presents two important questions for the consideration of the Legislature :

1st. The importance and duty of aiding in the construction of railroads at the present juncture of time by the State.

2d. The security of the proposed loan as an investment of the school fund. *

Among the intelligent portion of the community, the first of these questions will hardly admit of an argument at the present day. The ignorance and prejudice which a few years ago existed in regard to railroads as a profitable investment, and also as to their advantages as a means of travel and transportation of products, are being rapidly dissipated. It has been but a few years since the proposition that an eventual speed of 15 or 20 miles an hour might be attained on a railroad, was made infinite sport of by all the leading journals and some of the most intelligent statesmen in England and the United States. Nor was it at all credible, till very recently, that they would at any time rival steamboats in the transportation of heavy products. That opposition should exist against the encouragement of railroad enterprises on the part of the State, where the advantages of this great improvement have not been practically demonstrated, is not a matter of surprise. This is an ordeal through which the first roads of every State in the Union have had to pass. Not until the whistle of the locomotive is heard, and men, cotton bales and all other products are seen, as it were, flying through the air with race-horse speed, do these doubters awaken to a sense of a realization of what they had all along imagined an idle dream.

By some the advantages of railroads to a country densely populated, and abounding in surplus products, which require transportation to market, are admitted ; but they assert that the population of Texas, at the present time, is too sparse, and the products too few to render railroads profitable ; consequently, capital can-

the people will never permit the school fund to be loaned without the limits of the State. There is no certainty that the railroads in this State, if able, would be willing, eleven years hence, to borrow at one time and pay interest upon so large an amount. The great advantage to the State offered by the bill reported, is that the fund will be lent as it is demanded, and the State will not lose one day's interest. Another advantage will arise to the State from the sale of the United States bonds at a premium; which, at an average of five per cent., would amount to \$125,000, and the railroads, paying six per cent. instead of five, would make the additional sum of \$250,000 in ten years, making together a clear gain to the State of \$375,000 by a loan of the fund to railroads, as proposed in the bill now offered as a substitute.

Your committee cannot doubt that it is a sacred duty the State owes to her citizens at the present juncture of time to aid, by all the means which she can constitutionally control, the construction of railroads. By an act of your body, passed with such unanimity as to leave no doubt that it will become the law of the land, the construction of the great Atlantic and Pacific Railroad through our State has been invited; and to secure this object, an extraordinary bonus in lands, belonging alike to the people of all sections of the State, has been appropriated and set apart. By an extraordinary spirit of generosity, the line of this road has been so fixed that it can only be advantageous to much the larger portion of the people of Texas incidentally, and as they are enabled to connect with the main trunk. If the same liberal spirit be extended in aiding the coast towns, and those on the northern and eastern borders of our State, to connect with the main trunk, then it will prove a source of incalculable prosperity; otherwise, it will become the great channel which will bear away the commerce and population that enrich and build up our sea-coast towns, and render flourishing many of the fairest portions of our State. To withhold this aid, instead of binding us in one harmonious body, whose great artery would send the blood of commerce to the uttermost extremities of the body politic, would only tend to create distress and jealousy among those whose interests are in no wise antagonistical. Your committee cannot believe that such a spirit exists among the members of the present Legislature, and they feel assured that none such would be tolerated by the people of Texas. They feel assured that every member will recognize it as an act of justice and duty on the part of the State to aid, as far as practicable, in constructing the necessary roads from all the settled portions of our State to connect with the main road.

The next question for consideration is: Would a loan of money, as proposed in the bill offered as a substitute, be secure as an investment of the school fund, and would it prove efficient aid?

The security of the investment your committee cannot doubt. The bill only proposes to lend one-third the cost of the road as the work advances, and is completed in sections of twenty-five miles. The amount is secured by the first lien or mortgage on the whole road, and on all the appurtenances to the same belonging. No imposition can be practised upon the State without the false swearing of at least three persons, and who are subjected to the pains and penalties of perjury in case they do swear falsely. Every other guard has been thrown around the bill which your committee believe requisite to the security of the fund and the interest of the State. The great States of Virginia, Tennessee and Missouri are lending their credit, as they have no money on hand, to their railroad companies to the extent of one-third the cost of the road. These States issue their bonds and deliver them to the companies before one mile of road is constructed. These States do not require the first mortgage or lien; but their bonds are issued and delivered to the companies with the risk of having to tax the people to pay the interest thereon, to aid the roads in establishing a credit. Experience has proved the wisdom of this policy. Under the influence of this liberal policy, the great State of Missouri is rapidly advancing in the great march to wealth and prosperity, side by side with her sister States of the West; and the Old Dominion is rapidly recovering that commercial supremacy and power which she once possessed. Then, if these States are justified by sound policy and wisdom in advancing to railroad companies, before any portion of the road is complete, their bonds to the extent of one-third the cost of the road, can it be pretended that Texas would not be justified in lending one-third the cost of the road, after the completion of a section of twenty-five miles? It must be farther borne in mind that, under the bill, no road can borrow more than \$3,333 per mile, on a road of one hundred and fifty miles in length. To secure this, the first lien or mortgage exists on the whole line of road. Shall it be said that the people of Texas shall continue to languish in their present condition, their fertile lands remain in a state of wilderness for the want of inhabitants to cultivate them, and the means of transporting their products to market, while the State withholds that aid which the enlightened wisdom of other States is constantly extending to their citizens? Can we appear before the people and say we should not be safe in aiding the construction of railroads at the present time, because

they would prove unprofitable, or that it would be better to force our enterprising citizens, who build up and construct roads, to borrow money abroad at a high rate of interest, while ours is invested out of the State at a very low rate?

It has been objected by some that the great number of roads chartered by the State, all being equally entitled to the loan, might be the cause of endangering the amount lent, as under the stimulating influence of the proposed loan, and the liberal donations of land provided for in another bill now pending before the Senate, rival roads would spring up, which would prove seriously detrimental to the interest of each other. Your committee believe that this objection would not be without weight, if the lands and loans were to be advanced before the construction of the roads. But as the capital for the construction of the first twenty-five miles must necessarily come from abroad, and the first lien being reserved to the State, it can only be obtained upon the faith which capitalists may have in the ultimate success and profitableness of the road, your committee cannot but regard the apprehension as groundless. They cannot believe that any sensible and judicious man, (and all capitalists are generally sensible and cautious,) would advance \$400,000 in the construction of twenty-five miles of railroad, merely with the view of getting from the State \$133,333, and four hundred sections of land, amounting to 256,000 acres, which may now be bought at fifty cents per acre of the State. The amount expended in the construction of the road would be \$400,000, *plus* the interest, and the amount received would be \$133,333, loan from the State, and 256,000 acres of land at fifty cents per acre, making together \$261,333, *minus* the expense of surveying the alternate sections for the State, leaving a clear loss to the builders of the road of \$136,000, and interest on the money expended, and the cost of surveying the alternate sections. The supposition that railroads would be constructed or undertaken in a spirit of reckless speculation, under the stimulating influence of the two acts before the Senate, is simply absurd. That the bonus in lands and the loan of money might induce capital to seek an investment in roads which promised not to yield immediately large profits, but never without confidence in prospective profits arising from the road, is regarded as probable. Your committee regard the security as such that the strictest usurer would be satisfied with its sufficiency in case of a loan of money, and they can see no reason why a State which should pursue a liberal policy in aiding the construction of railroads should stickle at the same.

That the proposed loan would greatly aid railroad enterprises

in their infancy there can be no doubt. If the bonds of other States to the extent of one-third of the cost of the road, is secure as the basis of credit upon which such roads may be built, certainly the loan of money proposed would not be less efficient. It would enable the companies to negotiate at once for their iron, and thus procure one of the most difficult and necessary materials for the construction of the road.

Your committee might have dwelt more largely upon the benefits to be derived from the construction of railroads, bringing, as it were, the remotest corners of our State into immediate contiguity, and binding the whole together in one indissoluble and indivisible State. The influence of railroads upon the condition of every country where they are constructed, socially and politically, and in the rapid creation and development of the wealth and resources of a country, are happily and forcibly illustrated and pointed out, with references to authentic statistics, in the very able report of the committee on Internal Improvements of the House of Representatives, and to which report your committee respectfully beg leave to refer the members of the Senate.

All of which is respectfully submitted.

I. A. PASCHAL, Chairman.

Mr. Guinn, from the committee on Engrossed Bills, reported the following bill correctly engrossed:

A bill to fix and establish the per diem and mileage pay of the members, and the per diem pay of the officers of the Legislature.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Jefferson and Dallas Plank Road Company, reported the same back to the Senate, and recommended its reference to the committee on Roads, Bridges and Ferries.

Mr. Scott, from the committee on Public Debt, made the following report:

Your committee on Public Debt have considered the petition of J. B. Pritchard, and find that he is the holder of certain Texas liabilities; that he has been the holder since 1840: that he did not know that the law required him to present them to the auditorial board; that he would gladly have done so; he now desires his claim to be placed by legislative action in the same condition that it would have been in had it been presented in time under the law. The committee are of opinion that this, and all like cases should be relieved, as Texas should not desire to make anything off of those holding her liabilities, who did not know of the existence of the law requiring the claims to be presented; or those who were endeavoring to fulfil the requirements of her

aws, but were unable to do so. At the same time that the committee recommend relief in such cases as those above alluded to, they are opposed to relieve, at least at this time, those of our creditors who have so wantonly held out against our laws, and denounced them as being unjust and unwise. We think that this class of Texas creditors should not be relieved until they cry for quarters and ask for relief. A majority of the committee have instructed me to report the accompanying bill and recommend its passage. All of which is submitted.

A bill for the relief of persons therein named; read first time.

Mr. Bryan presented the petition of Samuel Swartwout, for relief; referred to the committee on Public Debt.

Mr. Kyle, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to amend the fifth section of an act to regulate ferries, approved January 23d, 1850, reported the same back and recommended its passage.

Mr. Kyle, of said committee, also reported back to the Senate a bill to incorporate Miami's Bluff Turnpike Company, and recommended its passage with the following amendments:

Sec. 6. Strike out "exclusive," in 2d line, and insert "right of;" strike out in 4th line "rods," and insert "fifty feet."

Mr. Hart, chairman of the committee on Private Land Claims, to whom was referred a bill to authorize and require the Commissioner of the General Land Office to issue a patent to Margaret Kennedy, reported the same back and recommended its passage.

Mr. Holland introduced a bill to provide for the sale of the furniture of the Old Capitol and the boxes which contained the new furniture; read first time.

Mr. Paschal introduced a bill for the relief of Joseph H. Beck, and a bill to incorporate San Antonio Lodge, No. 11, of the Independent Order of Odd Fellows; each read first time.

Mr. Potter introduced a bill granting Pelican Island, in Galveston Bay, to the corporation of the city of Galveston; read first time.

Mr. McDade introduced a bill to incorporate the Brenham and Washington Plank Road Company; read first time.

Mr. Superviele introduced a bill regulating justices' courts in the city of San Antonio; read first time.

On motion of Mr. Potter, Mr. Armstrong was excused from his seat on account of sickness.

Mr. Paschal presented the memorial of the heirs of Benjamin R. Milam, praying relief; which, on motion of Mr. Paschal, was referred to a select committee.

Messrs. Paschal, Lott, Scott, Wren and Whitaker were appointed said committee.

On motion of Mr. Holland, a bill to incorporate the Tyler and Dallas Railroad Company was taken up, with the amendments offered thereto by Mr. Lott on yesterday.

Mr. Jowers offered the following amendment to Mr. Lott's amendment to 2d section :

Provided, That the New Orleans, Opelousas and Great Western Railroad crosses the Sabine river at or south of $31^{\circ} 30'$ north latitude.

On motion of Mr. Holland, the bill and amendments were referred to a select committee.

Messrs. Jowers, Lott, Holland, Guinn and Edwards were appointed said committee.

On motion of Mr. Kyle, Mr. Whitaker was added to said committee.

On motion of Mr. Lott, Mr. Hart was also added thereto.

On motion of Mr. Jowers, a bill supplementary to an act to establish the New Orleans, Texas and Pacific Railway Company, for the extension of the New Orleans, Algiers and Opelousas Railway through Texas, approved February 16th, 1852, was taken from the table and referred to the same select committee.

On motion of Mr. Allen, the vote engrossing a bill to fix and establish the per diem and mileage pay of members, and the per diem pay of the officers of the Legislature, was reconsidered.

On motion of Mr. Allen, the vote rejecting Mr. Durst's amendment to said bill was also reconsidered, and the bill and amendment laid on the table.

ORDERS OF THE DAY.

A bill to provide for the erection and furnishing of a residence and out-buildings for the Governor of the State of Texas; read.

Mr. Bryan moved to strike out "\$12,500," and insert "\$15,000."

On motion of Mr. Weatherford, the question was divided.

Motion to strike out adopted.

Motion to fill the blank with "\$15,000" rejected by the following vote :

YEAS—Messrs. Bryan, Hart, Hill, Keenan, Kyle, McAnelly, McDade, Millican, Paschal, Potter, Scarborough, Sublett and Superviele—13.

NAYS—Messrs. Burks, Gage, Guinn, Holland, Jowers, Lott, Martin, Newman, Scott, Taylor, Weatherford, Whitaker and Wren—13.

On motion of Mr. Bryan, there was a call of the house, and the Segeant-at-Arms despatched for absentees

On motion of Mr. Hart, a bill to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land adjoining the town tract now held and owned by said inhabitants, was taken from the table and placed among the orders of the day.

On motion of Mr. Potter, a bill to create the office of State Geologist, was taken from the table and placed among the orders of the day.

A bill authorizing two copies of the seal of the Supreme Court to be made for the use of said Court; read third time and passed.

A bill to incorporate the Linden Male and Female Academy and Masonic Hall; read third time and passed by a constitutional majority.

On motion of Mr. Whitaker, the call of the house was suspended.

A bill to provide for the erection of a residence, &c., for the Governor, taken up.

Mr. Bryan moved to fill the blank with \$16,000; lost by the following vote:

YEAS—Messrs. Bryan, Doane, Durst, Hart, Hill, Keenan, Kyle, McAnelly, McDade, Millican, Paschal, Potter, Scarborough, Sublett and Superviele—15.

NAYS—Messrs. Allen, Burks, Edwards, Gage, Guinn, Holland, Jowers, Lott, Martin, Newman, Scott, Taylor, Weatherford, Whitaker and Wren—15.

Mr. Weatherford moved to fill the blank with \$10,000.

Mr. Hart moved to amend said motion by filling the blank with \$14,500.

Mr. McAnelly moved that a committee be appointed to wait on absent members and take their votes on the question pending; lost.

Question recurring upon Mr. Hart's amendment, it was adopted by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Hart, Hill, Keenan, Kyle, McAnelly, McDade, Millican, Paschal, Potter, Scarborough, Sublett and Superviele—16.

NAYS—Messrs. Burks, Edwards, Gage, Guinn, Holland, Jowers, Lott, Martin, Newman, Scott, Taylor, Weatherford, Whitaker and Wren—14.

Mr. Scott moved to strike out all relating to the furnishing of the Governor's residence; lost by the following vote:

YEAS—Messrs. Allen, Burks, Edwards, Gage, Guinn, Hol-

land, Jowers, Lott, Martin, Newman, Scott, Taylor, Weatherford and Wren—14.

NAYS—Messrs. Bryan, Doane, Durst, Hart, Hill, Keenan, Kyle, McAnelly, McDade, Millican, Paschal, Potter, Scarborough, Sublett, Superviele and Whitaker—16.

Mr. Durst moved to strike "\$2,500," and insert "\$4,000;" lost by the following vote:

YEAS—Messrs. Bryan, Doane, Durst, Hill, McAnelly and Scarborough—6.

NAYS—Messrs. Allen, Burks, Edwards, Gage, Guinn, Hart, Holland, Jowers, Keenan, Kyle, Lott, Martin, McDade, Millican, Newman, Paschal, Potter, Scott, Sublett, Superviele, Taylor, Weatherford, Whitaker and Wren—24.

Mr. Weatherford offered the following amendment:

Provided, said Governor, Comptroller and Treasurer shall
of Texas more

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llowing vote:
Keenan, Kyle,
Scarborough,

Guinn, Holland,
Weatherford and

Education, to
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Mr. Jowers, re-

A bill to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land adjoining the town tract now held and owned by said inhabitants; read third time and passed.

A bill to authorize and regulate the surveying and patenting of colony certificates in Fisher & Miller's Colony; read second time, and, on motion of Mr. Paschal, referred to a select committee.

Messrs. Paschal, Edwards, McAnelly, Weatherford and Super-
viele were appointed said committee.

A bill for the relief of the heirs of John Short, formerly of Fayette county; read second time, and, on motion of Mr. McDade, referred to the committee on Private Land Claims.

A bill to encourage the construction of railroads by donations of land; read second time, and, on motion of Mr. Sublett, made the special of the day for to-morrow the 14th inst.

The following bills, originating in the House, were severally read first time:

A bill to incorporate Tyler University;

A bill to incorporate Anson Lodge, No. 29, I. O. O. F.; and

A bill authorizing the Commissioner of the General Land-office to appoint additional draughtsmen and assistant clerks to his department, and to fix the salaries of the Commissioner and all under his control.

Mr. Durst moved a call of the house; lost.

On motion of Mr. Weatherford, the Senate adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY, December 14, 1853.

The Senate was called to order pursuant to adjournment—
prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Gage presented the petition of Jesse Walling, with accompanying documents, praying for legislative action relative to the headright of Maria Antonio Case, for one league and labor of land; referred to the committee on Public Lands.

Mr. Allen presented the petition of divers citizens of Kaufman county, praying an extension of time within which to make return of field notes; referred to the same committee.

Mr. Gage, chairman of the committee on State Affairs, to whom was referred the memorial of the citizens of Marshall, in Harrison county, relative to the traffic and public use of intoxicating